

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
OCTOBER 28, 2008
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Robert Husfelt – Present
Board Member James Personti – Present (Acting Chair)
Board Member John Smith – Present
Board Member Thomas Manuel – Absent
Chairman Paul Chalfant – Absent

NEW BUSINESS:

The Board of Adjustment Reviewed Petition 08-06 tax parcel number 1900-400-356 known as 209 Locust Ave.

Board Member Personti asked if the applicant was present.

At this time the applicant was not present.

Mr. Personti asked if the Board had any questions or comments.

Board Member Smith stated that he is against the common driveway that is proposed and the proposed lot size.

Mr. Personti asked if there was any public comment regarding this petition.

There were no residents present and no verbal or written comments had been received.

ACTION: A motion was made by Board Member Smith to Deny Petition 08-06 regarding tax parcel number 1900-400-356 known as 209 Locust Ave because the property does not meet the required lot size or lot width. The motion was seconded by Board Member Husfelt.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

The Board of Adjustment Reviewed Petition 08-13 tax parcel number 1900-500-096 known as 112 Northern Ave.

Board Member Personti asked if there was anyone present for this application.

Mr. Robert Swain stepped to the podium. He stated that he is representing his parents in the application. He declared that they are withdrawing the application for the 1' side setback variance and would meet the required 5' setback, however are keeping the request for a variance to the allowable amount of lot coverage.

Mr. Swain stated that he has a perspective buyer for the home however the sale is contingent on the approval of adding a two car garage in the rear of the property. He stated that the reason for this application is a financial hardship, his parents are retired and currently paying the mortgage on both their Vilone Village home and this home on Northern Ave. If the variance is not granted the buyer is not interested in this home and his parents will have to continue to pay for both homes.

Board Member Smith expressed his concern with the requested 1' side setback.

Mr. Swain reiterated that they have withdrawn that particular request and will be meeting the required 5' side and 5' rear setbacks.

Board Member Personti verified that the only thing Mr. Swain was asking for was a variance to allowable lot coverage.

Mr. Swain replied yes that is his only request.

ACTION: A motion was made by Board Member Smith to Approve Petition 08-13 regarding tax parcel number 1900-500-096 known as 112 Northern Ave requesting a variance to lot coverage with the condition that the owner meet the required side yard and rear yard setbacks. The motion was seconded by Board Member Husfelt.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

APPROVAL OF MINUTES:

Minutes from the July 22, 2008 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Smith to Approve the minutes of the July 22, 2008 Board of Adjustment Meeting. The motion was seconded by Board Member Husfelt.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

OLD BUSINESS:

Review of the Comprehensive Plan

Board Member Smith asked to reassign the review of Chapter 225-27 – Chapter 225 – 38 from Former Board Member Mitchell to Board Member Husfelt.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Husfelt to adjourn. The motion was seconded by Board Member Smith.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the October 28, 2008 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY